

Benefits of Tribal Building Codes

This document was created by the Tribal Green Building Codes Workgroup, 2012

Tribes that develop and implement their own building code seek to provide safe, healthy, quality homes that meet the needs, values, and aspirations of the community, and reflect tribal culture and values.

At a minimum, building codes exist to protect the health and safety of persons using a structure. Building codes can cover every aspect of the design, construction and renovation of structures, from specifying aesthetically appropriate architecture to regulating sewage disposal. Many state and local governments update codes to be current with new materials and technology, to lessen susceptibility to natural disasters, and to make ecologically sound use of resources.¹

Most tribes have yet to adopt building codes. As a consequence, construction practices on tribal lands often **default to state or local, non-tribal government building codes, or are determined by the federal agency funding the building project.**

Though the process for adopting a building code can be involved, the result can be a code that reflects tribal values, and the benefits can be transformative. Below are examples of benefits in adopting tribe-specific building codes.

Health & Safety

- **Improve Human Health** - Codes can restrict the use of toxic building materials and prevent mold that can lead to poor indoor air quality and threaten human health.
- **Safety** - Codes can provide a comprehensive set of building safety and fire prevention codes that are **unique to the respective tribal community's culture, resources, and needs.**

Environment

- **Reduced impact on the environment** - Codes can **include design considerations** to protect the local habitat, and conserve resources (energy, water, and building materials) in construction and home operation.

Tribal Culture and Community Development

- **Increase Personal Efficacy, Kinship and Spiritually²** - A building's design can impact how people feel about themselves, and connect with others and the natural environment. Tribes have reported that federal housing designs, in addition to the reservation system, have led to social isolation and depression, disconnection from family, culture and the natural environment, and promote lack of activity and obesity.³ The social impacts of the built environment are not addressed in most building codes. Tribes can address these threats and account for them in their codes.
- **Cultural Strength** - The suppression of traditional - native building practices and the introduction of federal housing on tribal lands accelerated the loss of many Native American cultural practices and attributes, including languages.⁴ Tribal codes can facilitate cultural practices - spiritual, linguistic, artistic, material - in a way that general codes do not.⁵

¹ Tribal Legal Code Project: Tribal Building Codes. Retrieved from https://www.tribal-institute.org/codes/part_six.htm on November 30,

² 2011. These ideas were expressed by members of the Tribal Green Building Codes Workgroup and are also defined in First Nations Institute on Development Model, The Elements of Development. First Published: Black, S. S. 1994. *Redefining Success in Community Development: A New Approach for Determining and Measuring the Impact of Development*. Richard Schramm Paper on Community Development, Lincoln Filene Center. Medford, MA: Tufts University.

³ Taken from a conversation with Potawatow Health Village's cultural liaison who stated that the design of their building promoted social interaction across families, generations, neighborhoods, and thus improved community harmony and well-being (2011). Photos of the building are at: <http://unitedindianhealthservices.org/uihs-sustainable-practices/green-building-at-potawot/>

⁴ Taken from a conversation with Michael Tsosie, Colorado River Indian Tribes (2011).

⁵ Codes can encourage the relational thinking that scholars Vine Deloria and Daniel Wildcat maintain is at the heart of Indian metaphysics by making relations with materials, spaces, labor, knowledge and people more readily visible and easy to appreciate.

- **Leadership** - Tribal communities play a key role in implementing sustainable, regenerative and culturally relevant communities and can demonstrate this know-how throughout the world.

Tribal Sovereignty/Self-Sufficiency

- **Tribal Priorities/Self-Sufficiency** - Codes can define performance measures appropriate to a tribe's needs, culture and local climate; determine what information is useful for the evaluation and monitoring of these measures; and outline the methods for collecting and analyzing information in ways that complement the tribe's knowledge of the environment and human health.
 - Codes can emphasize sustainable and cultural uses of local resources, tribal autonomy, and define infrastructure development in ways to overcome existing barriers.
 - Outline perimeters that appropriately match actual conditions (such as rural and isolated areas without utility services for power, water, wastewater, communication) and various levels of occupancy and use (such as multigenerational households and larger family, ceremonial gatherings).
- **Clearly Define Building Standards** - Provide project partners with clear guidance that must be met or exceeded for new construction or rehabilitation projects.
- **Tribal Priorities for Resolving Problems** - Tribes can set evaluation and monitoring systems that: a) reflect what they want out of housing; b) reflect how they collect and use information; c) encourage balance between individual interests and collective tribal interests; and d) favor tribal mechanisms for resolving conflicts. For example, tribes may use mediation and restitution when conflicts arise between contractors and the tribe. Assessments of whether or not a performance standard is met may balance personal testimony and quantitative data.
- **Tribal Autonomy in Deciding how to Manage Risks** - Tribes can create systems of managing risk related to buildings based on tribal values and goals established through tribal processes rather than accepting those embedded in codes and standards developed by non-tribal governments.

Economic

- **Economic Development and Increase Employment** - Codes can support the use of local labor and resources, and thereby increase income within the community.
- **Traditional Ecological Knowledge of Tribal Residents** - Codes can outline traditional and contemporary building practices that tribal citizens know or can learn.
- **Reduce Operation and Maintenance Costs** - Codes can encourage high levels of energy and water conservation and efficiency to reduce utility bills and eliminate the use of high cost fuels, such as propane. Codes can also encourage design and construction practices that reduce maintenance needs and expenses.
- **Increase Access to Financial Capital** - Financial institutions primarily fund construction projects that follow building codes. By adopting and implementing building codes, tribes will meet this funding requirement, and thereby increase financing opportunities.

The built environment has significant impacts on both the occupants, on tribal communities, and on the environment. By adopting building codes, tribes can influence federal, private and tribal building practices. For more information and examples of tribal building codes, contact the Tribal Green Building Codes Workgroup: tribalcodes@epa.gov, or call 415-972-3206.
